

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2827

By Delegates Ellington, Clark, Smith, Chiarelli,
Longanacre, Hornby, Statler, Toney, Rowe and
Espinosa

[Introduced January 19, 2023; Referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating to
2 safety and security measures for school facilities and the Safe Schools Fund; making
3 public charter schools eligible for Safe Schools Funds; providing that Safe Schools Funds
4 shall be distributed first to meet the special education video requirements, then safe school
5 entry way needs, and when met, on the basis of need; providing that any moneys
6 distributed from the Safe Schools Fund for facility improvements shall only be expended
7 on facilities owned by a county board of education, public charter school or multicounty
8 vocational center, unless the improvements to such facilities may be removed with minimal
9 effort; and, providing that the West Virginia Board of Education shall promulgate rules to
10 govern the process by which county boards of education, public charter schools and
11 multicounty vocational centers may apply for needs-based funding from the Safe Schools
12 Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-48. Safety and security measures for school facilities; Safe Schools Fund created.

1 (a) Each county board of education, public charter school, and multicounty vocational
2 center shall annually assess the safety and security of each of the school facilities ~~within its~~
3 ~~boundaries for which they are responsible~~. Safety and security measures of each facility shall be
4 upgraded when necessary to ensure, to the best of the county board's, public charter school
5 governing board's or multicounty vocational center administrative council's ability, the safety of the
6 students within each facility. Each county board of education, public charter school governing
7 board, and multicounty vocational center administrative council shall report annually the safety
8 and security measures it has put in place, including upgrades thereto, to the State Department of
9 Education. Annually, the State Department of Education shall compile the information ~~from the~~
10 ~~county boards of education received~~ and report the information it to the Legislative Oversight
11 Commission on Education Accountability.

12 (b) As used in this section, "safety and security measures" means action taken by a county
13 board of education, a public charter school, or multicounty vocational center that improves the
14 security of a school facility and the safety of the students within such facility, including, but not
15 limited to, hiring a school resource officer, installing weapon detection systems, upgrading facility
16 doors or windows.

17 (c) There is hereby created in the State Treasury a special revenue fund to be known as
18 the Safe Schools Fund. The fund shall consist of all moneys received from legislative
19 appropriations and other sources to further the purpose of this section: *Provided*, That annually,
20 the West Virginia Department of Education shall request an appropriation based on the requests
21 of the county boards of education, public charter school governing boards and multicounty
22 vocational center administrative councils. Subject to legislative appropriation, the funds
23 appropriated annually to the School Safety Fund shall be distributed to the county boards of
24 education, public charter schools, and multicounty vocational centers, ~~with the funding amount per~~
25 ~~school determined by dividing the total annual appropriation by the total number of public schools~~
26 ~~throughout the state~~ on the basis of need. Moneys distributed from this fund shall not be used to
27 make permanently affixed improvements, alterations or additions to a physical facility that a county
28 board of education, public charter school or multicounty vocational center does not own. If the
29 West Virginia Department of Education distributes any moneys from this fund for the purpose of
30 making safety improvements on or in a facility that is not owned, it shall require that the
31 improvements be accomplished in such a manner that they may be removed with minimal effort.
32 All moneys distributed from this fund shall be used to support the purpose and intent of this section
33 and all moneys must be spent to support the school for which the funding was derived: *Provided*,
34 *however*, That moneys distributed from this fund also may be used for the purposes of § 18-20-11
35 of this code, relating to video cameras in certain special education classrooms: *Provided*
36 *further*, ~~That for any distributions for the 2019-2020 year and continuing until such time that all~~
37 ~~districts have fully complied with the special education video camera requirements, county boards~~

38 ~~shall have the flexibility to spend the safe schools allocation at any school within the district~~
39 ~~requiring cameras in special education classrooms~~ Until such time as all school facilities are in full
40 compliance with the special education video requirements, the West Virginia Department of
41 Education shall first allocate the funding appropriated for the Safe Schools Fund ~~for the 2020-2021~~
42 ~~year~~ based on the remaining need for video cameras in ~~each district~~ public school facilities. After
43 all ~~districts~~ public school facilities have been provided sufficient funds to meet the special
44 education video camera requirements, the ~~funding distribution shall return to the previously~~
45 ~~specified method based on the number of public schools~~ funds shall be distributed by the West
46 Virginia Department of Education to meet the needs of school facilities to have safe school entry
47 ways. After safe school entry way needs have been met, the West Virginia Department of
48 Education shall distribute funds based upon a determination of need. Any moneys remaining in
49 the fund at the close of the fiscal year shall be carried forward for use in the next fiscal year. Fund
50 balances shall be invested with the state's Consolidated Investment Fund and any and all interest
51 shall be used solely for the purposes that moneys deposited in the fund may be used pursuant to
52 this article.

53 (d) The West Virginia Board of Education shall promulgate rules pursuant to §29A-3B-1 et
54 seq. of this code to establish a process by which county boards of education, public charter school
55 governing boards and multicounty vocational center administrative councils may submit requests
56 to obtain needs-based funding from the Safe Schools Fund. Such rules shall address:

- 57 (1) The manner, time line and process for the submission of a request;
58 (2) The criteria by which requests shall be evaluated and prioritized; and
59 (3) Any other matters deemed necessary to further the goals of this article.

NOTE: The purpose of this bill is to amend this statute to make public charter schools eligible for Safe Schools Funds; provide that Safe Schools Funds shall be distributed providing that Safe Schools Funds shall be distributed first to meet the special education video requirements, then safe school entry way needs, and when met, on the basis of need; provide that any moneys distributed from the Safe Schools Fund for facility improvements shall only be expended on facilities owned by a county board of education, public charter school or multicounty vocational center, unless the improvements to such facilities may be

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removed with minimal effort; and, provide that the West Virginia Board of Education shall promulgate rules to govern the process by which county boards of education, public charter schools and multicounty vocational centers may apply for needs-based funding from the Safe Schools Fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.